



General Assembly

**Amendment**

February Session, 2006

LCO No. 5332

\*SB0070005332SD0\*

Offered by:

SEN. DAILY, 33<sup>rd</sup> Dist.

REP. STAPLES, 96<sup>th</sup> Dist.

To: Subst. Senate Bill No. 700

File No. 535

Cal. No. 401

**"AN ACT CONCERNING LAND RECORD FEES PAID BY A MUNICIPALITY, THE PROPERTY DESCRIPTION OF A DISTRICT IN REDDING, TAX CREDITS FOR BUSINESS EMPLOYMENT EXPANSION PROJECTS AND THE FILING DEADLINE FOR CERTAIN TAX EXEMPTIONS."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Subsection (e) of section 7-34a of the 2006 supplement to  
4 the general statutes is repealed and the following is substituted in lieu  
5 thereof (*Effective from passage*):

6 (e) In addition to the fees for recording a document under  
7 subsection (a) of this section, town clerks shall receive a fee of thirty  
8 dollars for each document recorded in the land records of the  
9 municipality. The town clerk shall retain one dollar of any fee paid  
10 pursuant to this subsection and three dollars of such fee shall become  
11 part of the general revenue of the municipality and used to pay for  
12 local capital improvement projects, as defined in section 7-536. Not

13 later than the fifteenth day of each month, town clerks shall remit  
14 twenty-six dollars of the fees paid pursuant to this subsection during  
15 the previous calendar month to the State Treasurer. Upon deposit in  
16 the General Fund, such amount shall be credited to the land  
17 protection, affordable housing and historic preservation account  
18 established pursuant to section 4-66aa. The provisions of this  
19 subsection shall not apply to any document recorded on the land  
20 records by an employee of the state or of a municipality in conjunction  
21 with said employee's official duties. As used in this subsection,  
22 "municipality" includes each town, consolidated town and city, city,  
23 consolidated town and borough, borough, district, as defined in  
24 chapter 105 or 105a, any municipal corporation or department thereof  
25 created by a special act of the General Assembly, and each municipal  
26 board, commission and taxing district not previously mentioned.

27 Sec. 2. Section 1 of special act 05-14 is amended to read as follows  
28 (*Effective from passage*):

29 For purposes of this section:

30 (1) "District" means certain real property, situated in the town of  
31 Redding, County of Fairfield and State of Connecticut shown and  
32 designated as Parcel D on "Property survey for The Gilbert & Bennett  
33 Mfg. Co. in Georgetown Redding, Connecticut Sheet 3 of 3" and dated  
34 September 20, 1987, which map is on file in the Redding town clerk's  
35 office as Map 3436, excepting, however, so much of such property as  
36 has previously been conveyed to other, including, but not limited to,  
37 (A) the premises described in a certain deed to the town of Wilton,  
38 dated September 22, 1999, and recorded in the Wilton Land Records at  
39 volume 1193, page 183, (B) the premises described in a certain deed to  
40 the town of Redding, dated November 4, 1999, and recorded in the  
41 Redding Land Records at volume 235, page 33, and (C) the premises  
42 described in a certain deed to the town of Redding dated November 4,  
43 1999, and recorded in the Redding Land Records at volume 267, page  
44 240; except upon action on or after the effective date of this section by  
45 the voters, as provided in section 7-325 of the general statutes, to

46 enlarge the district, "district" shall include all those certain pieces or  
47 parcels of land, with the improvements thereon, situated in the Town  
48 of Redding, County of Fairfield and State of Connecticut, being shown  
49 as: "Parcel A (Assessor's No. 32-1, 2, 3) Acres = 41.4822"; "Parcel B  
50 (Assessor's No. 34-1) Acres = 1.4529"; "Parcel C (Assessor's No. 35-1)  
51 Acres = 1.8746"; all as shown on "Property Survey for THE GILBERT &  
52 BENNETT MFG. Co.", sheets 1, 2 and 3, on file in the Redding Town  
53 Clerk's Office as Map Nos. 3434, 3435 and 3436; together with that  
54 certain parcel of land (Redding Assessor's Map 103, Block 35, Lot 4)  
55 being shown as "Total Area = 0.765 AC." on "Map Prepared for Gilbert  
56 & Bennett Manufacturing Co. Redding, Connecticut" dated July 18,  
57 1988, and on file in the Redding Town Clerk's Office as Map No. 3626,  
58 and upon its discontinuance, that certain parcel of land being shown as  
59 North Main Street on said maps;

60 (2) "Voter" means (A) any person who is an elector of the district, (B)  
61 any citizen of the United States of the age of eighteen years or more  
62 who, jointly or severally, is liable to the district for taxes assessed  
63 against such citizen on an assessment of not less than one thousand  
64 dollars on the last-completed grand list of such district, or who would  
65 be so liable if not entitled to an exemption under subdivision (17), (19),  
66 (22), (23), (25) or (26) of section 12-81 of the general statutes, or (C)  
67 holders of record of interest in real property within such district; and

68 (3) "Qualified green building and sustainable design project" shall  
69 have the same meaning as in 26 USC 142.

70 Sec. 3. (NEW) *(Effective from passage and applicable to projects with a*  
71 *commencement date on or after September 1, 2005)* (a) As used in this  
72 section:

73 (1) "Approved employment expansion project" means an  
74 employment expansion project approved by the commissioner  
75 pursuant to subsection (e) of this section.

76 (2) "Commencement date" means the commencement date of the  
77 approved employment expansion project as provided in the certificate

78 of eligibility issued by the commissioner pursuant to subsection (f) of  
79 this section.

80 (3) "Commissioner" means the Commissioner of Economic and  
81 Community Development.

82 (4) "Constituent corporation" means any corporation that holds or  
83 has held an interest in the sponsor of an approved employment  
84 expansion project (A) as a general partner, limited partner, member or  
85 otherwise, and (B) is subject to tax under chapter 208 of the general  
86 statutes either directly or by virtue of holding an interest in such  
87 sponsor.

88 (5) "Employment expansion project" means a project: (A) That will  
89 result in the creation of at least four hundred new jobs in this state over  
90 a period of not more than five full income years following the income  
91 year in which the commencement date occurs; (B) for which the  
92 allowance to the constituent corporations of credits under this section  
93 will be necessary to attract the project to this state; (C) that will be  
94 economically viable and will generate direct and indirect economic  
95 benefits to the state; and (D) that is, in the judgment of the  
96 commissioner, consistent with the strategic economic development  
97 priorities of the state and the municipality or municipalities in which  
98 the new jobs are to be created.

99 (6) "Income year" shall have the same meaning as in subdivision (5)  
100 of subsection (a) of section 12-213 of the 2006 supplement to the  
101 general statutes.

102 (7) "New employee" means a person hired or assigned by a sponsor  
103 or a constituent corporation to fill a new job in this state. The aggregate  
104 number of new employees at the end of any income year shall be equal  
105 to the excess, if any, of the aggregate number of employees employed  
106 in this state by the sponsor and constituent corporations at the end of  
107 any income year, not including the aggregate number of employees  
108 employed in this state by the sponsor and constituent corporations on  
109 the commencement date. A person shall be deemed to be a "new

110 employee" only if the duties of such person for the sponsor or a  
111 constituent corporation are on a regular, full time or equivalent  
112 thereof, and permanent basis.

113 (8) "New job" means a job in this state in the business of the sponsor  
114 or a constituent corporation that did not exist prior to the  
115 commencement date and that is filled by a new employee, not  
116 including a job created when an employee is shifted from an existing  
117 location in this state of the sponsor or any constituent corporation to  
118 such job.

119 (9) "Sponsor" means a partnership, limited partnership, limited  
120 liability company or other entity that (A) is treated as a pass-through  
121 entity for federal income tax purposes, and (B) will be the direct or  
122 indirect employer of some or all of the new employees.

123 (b) (1) There shall be allowed to each constituent corporation such  
124 credits that the constituent corporation otherwise would have been  
125 allowed under chapter 208 of the general statutes had such constituent  
126 corporation itself conducted its pro rata share of the business  
127 conducted by the sponsor during any relevant income year.

128 (2) Credits shall be allowable under this section for those income  
129 years commencing on or after the effective date of this section for  
130 which a certificate of eligibility has been issued by the Commissioner  
131 of Economic and Community Development.

132 (c) (1) For the purposes of chapter 208 of the general statutes, each  
133 constituent corporation shall be deemed to have itself conducted its  
134 pro rata share of the business conducted by the sponsor.

135 (2) The pro rata share of the business conducted by the sponsor that  
136 shall be deemed to have been conducted by each constituent  
137 corporation shall be the same percentage as such constituent  
138 corporation's distributive share of the profit or loss of the sponsor for  
139 any relevant income year.

140 (3) The limitation of section 12-217zz of the general statutes shall be  
141 applied on the return of each constituent corporation or on the  
142 combined return filed by two or more constituent corporations.

143 (d) Any sponsor of an employment expansion project may submit  
144 an application for a certificate of eligibility to the commissioner in  
145 accordance with the provisions of this section. The application shall  
146 contain sufficient information to establish that the project is an  
147 employment expansion project, and shall include information  
148 concerning (1) the location or locations of the new jobs, (2) the number  
149 of new jobs to be created, (3) the physical infrastructure that might be  
150 created, renovated or expanded, (4) feasibility studies or business  
151 plans for the project, and (5) such other information the commissioner  
152 determines is necessary to demonstrate the financial viability of the  
153 employment expansion project. The commissioner may impose a fee  
154 for such application as the commissioner deems appropriate.

155 (e) (1) The commissioner, upon consideration of the application and  
156 any additional information that the commissioner requires concerning  
157 a proposed employment expansion project, may approve the project if  
158 the commissioner finds that the project is an employment expansion  
159 project. If the commissioner rejects an application, the commissioner  
160 shall specifically identify the defects in the application and specifically  
161 explain the reasons for such rejection. The commissioner shall render a  
162 decision on an application not later than ninety days after its receipt by  
163 the commissioner.

164 (2) The approval of an employment expansion project by the  
165 commissioner may be combined with the exercise of any of the other  
166 powers of the commissioner, including, but not limited to, the  
167 provision of financial assistance.

168 (3) The commissioner shall require the applicant to reimburse the  
169 commissioner for all or any part of the cost of any activities performed  
170 in the exercise of due diligence reviewing an application pursuant to  
171 this subsection.

172 (f) Upon approving an employment expansion project, the  
173 commissioner shall issue a certificate of eligibility certifying that the  
174 applicant has complied with the provisions of this section. The  
175 certificate of eligibility shall set forth the commencement date, as well  
176 as any other requirements the commissioner deems appropriate.

177 (g) Each constituent corporation claiming a credit or credits allowed  
178 under this section shall retain a copy of the certificate of eligibility  
179 issued under subsection (f) of this section for each income year for  
180 which a credit is claimed for at least as long as such income year  
181 would otherwise be subject to audit.

182 (h) The credits allowed under this section may be used by  
183 constituent corporations joining in a combined corporation business  
184 tax return under section 12-223a of the general statutes.

185 (i) Any constituent corporation allowed a credit under this section  
186 may assign such credit to another constituent corporation, provided  
187 such other constituent corporation may claim such credit only with  
188 respect to an income year for which the assigning constituent  
189 corporation would have been eligible to claim such credit and such  
190 other constituent corporation or constituent corporations may not  
191 further assign such credit.

192 (j) (1) The determination of whether the aggregate number of new  
193 jobs has been created shall be made as of the end of each of the six  
194 income years ending after the commencement date. Not later than the  
195 first day of the fourth month of each of the six income years following  
196 the commencement date, the commissioner shall require the sponsor to  
197 certify the aggregate number of new jobs created by the end of the  
198 preceding income year. Not later than the first day of the seventh  
199 month in each of the six income years following the commencement  
200 date, the commissioner shall review such certification and, if the  
201 aggregate number of new jobs at the end of any such income year is at  
202 least ninety per cent of the aggregate number of such new jobs set forth  
203 in the certificate of eligibility for such income year, shall issue a

204 certificate of eligibility for the income year just concluded.

205 (2) If the aggregate number of new jobs at the end of any such  
206 income year is less than ninety per cent of the aggregate number of  
207 such new jobs set forth in the certificate of eligibility for such income  
208 year, no credits attributable to the activities of the sponsor during such  
209 income year shall be allowed to the constituent corporations. The  
210 failure to achieve ninety per cent of the aggregate number of new jobs  
211 by the end of any applicable income year shall not preclude the  
212 allowance to the constituent corporations of credits from any prior or  
213 subsequent income year otherwise available under this section.

214 Sec. 4. (*Effective from passage*) Notwithstanding the time limit set  
215 forth in subsection (d) of section 12-120b of the general statutes, any  
216 person in the town of Wallingford who failed to file a written request  
217 for a reconsideration of the decision by the Secretary of the Office of  
218 Policy and Management to modify or deny an exemption granted by  
219 the assessor of said town, under the provisions of subdivision (72) of  
220 section 12-81 of the 2006 supplement to the general statutes, for the  
221 assessment year commencing October 1, 2000, may file a request for  
222 such reconsideration provided (1) such request is filed not later than  
223 thirty days after the effective date of this section, and (2) is  
224 accompanied by all documentation and information specified in the  
225 secretary's letter of modification or denial dated October 1, 2002. Said  
226 secretary shall, not later than thirty days following receipt of such  
227 person's request and the required supporting documentation and  
228 information, reconsider the decision to modify or deny said  
229 exemption, and shall send a written determination with respect thereto  
230 to such person. If aggrieved by the secretary's determination, such  
231 person may request a hearing before said secretary, in accordance with  
232 the provisions of subsection (d) of said section 12-120b. If said  
233 secretary determines that such person is eligible for the exemption  
234 claimed for the assessment year commencing October 1, 2000, under  
235 the provisions of subdivision (72) of said section 12-81, said secretary  
236 shall notify such person and the assessor of the town of Wallingford of  
237 such approval and shall include reimbursement with respect thereto in



238 the next certification said secretary makes to the Comptroller under the  
 239 provisions of section 12-94b of the general statutes. If taxes have been  
 240 paid on the machinery and equipment for which such exemption is  
 241 approved by said secretary, the town of Wallingford shall reimburse  
 242 the person who made such payment in an amount equal to the  
 243 reimbursement issued by the Treasurer with respect to such exempt  
 244 machinery and equipment."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	7-34a(e)
Sec. 2	<i>from passage</i>	SA 05-14, Sec. 1
Sec. 3	<i>from passage and applicable to projects with a commencement date on or after September 1, 2005</i>	New section
Sec. 4	<i>from passage</i>	New section